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HOUSE BILL 212

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Henry "Kiki" Saavedra

AN ACT

RELATING TO CRIMINAL SENTENCING; CLARIFYING CRIMINAL
SENTENCING FOR THE OFFENSE OF FRAUDULENT USE OF A CREDIT CARD;
AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-16-33 NMSA 1978 (being Laws 1971,
Chapter 239, Section 9) is amended to read:

"30-16-33. FRAUDULENT USE OF CREDIT CARDS. - -

A. A person is guilty of a fourth degree felony
if, with intent to defraud, he uses to obtain anything of
value:

(1) a credit card obtained in violation of
Sections [~~40A-16-24 through 40A-16-38 NMSA 1953; or~~] 30-16-25
through 30-16-38 NMSA 1978;

(2) a credit card [~~which~~] that is invalid,

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 expired or revoked; [or]

2 (3) a credit card while fraudulently
3 representing that he is the cardholder named on the credit
4 card or an authorized agent or representative of the
5 cardholder named on the credit card; or

6 (4) a credit card issued in the name of
7 another without the consent of the person to whom the card has
8 been issued.

9 B. If the value of all things of value obtained by
10 any person from one or more merchants, an issuer or a
11 participating party, in violation of this section exceeds
12 three hundred dollars (\$300) in any consecutive [~~six months~~]
13 six-month period, [then] the [~~offense of the violator is~~]
14 offender is guilty of a third degree felony for each separate
15 incident of fraudulent use of a credit card. "

16 Section 2. EFFECTIVE DATE. --The effective date of the
17 provisions of this act is July 1, 1999.